IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 12703 of 1994

Between:

1.M.Parvateeswar Rao, S/o. M.Subrahmanyam.
Defence Lab Schools & Jr.College, Kanchanbagh, Hyderabad.
2.S.Shyam Sundar Rao, S/o. S.Srinivasa.
Defence Lab Schools & Jr.College, Kanchanbagh, Hyderabad.

..... PETITIONERS

AND

1.The Management Committee of Defence Laboratories Schools, rep., by its Secretary, Kanchanbagh, Hyderabad.
2.The Secretary Ministry of Defence, 'B' Wing, Sena Bhavan, New Delhi.
3.The Director General, Defence Research & Development Organisation (DRDO), 'B' Wing, Sena Bhavan, New Delhi.
4.The Director, Defence Research & Development Laboratories (DRDO), Chandrayanagutta, Hyderabad.
5.The Director, Defence Electronics Research Laboratories (DLRL) Chandrayanagutta, Hyderabad.
6.The Director, Defence Metallurigical Research Laboratories (DMRL) Kanchanbagh, Hyderabad.
7.The Chairman, DLS Management Committee, Kanchanbagh, Hyderabad.
8.Defence Lab Schools Educational Society, Rep. By its Secretary,. Kanchanbagh, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of a writ of certiorari call for the records of the 1st respondent pertaining the services of the petitioners herein and quash the impugned orders of termination in material document No.7 & 8.

For the Petitioners: MR.K.RAGHAVA CHARYULU, ADVOCATE.

For the Respondent No.1: MR.M.R.K.CHOWDURY, ADVOCATE.

For the Respondent Nos.2 to 8: MR.A.RAJASHEKAR REDDY (SENIOR STANDING COUCNSEL FOR CENTRAL GOVERNMENT)

The Court Made the Following:

ORAL ORDER:

Heard both sides.

2. The order of the third respondent, dated 11-05-1994, by which the services of the petitioners were terminated, is under challenge in this writ petition.

3. From the facts stated in the affidavit, filed in support of the writ petition, it appears that the petitioners were appointed in temporary posts as Post Graduate Teachers with a specific pay scale through proceedings, dated 11-06-1992 and 05-12-1992 respectively. However, in the proceedings, dated 20-06-1992 and 05-12-1992 of the first respondent, it was categorically indicated that the Managing Committee had reserved the right to modify the said orders of appointment depending upon the finances and other circumstances of the school.

4. Further, there is another specific condition, which is to the effect that the termination can be effected with one month's notice or pay in lieu of notice. As regards the said appointments, it was indicated that the petitioners will be on probation for a period of two years from the date their joining in the school.

5. From the above, it is clear that the very appointments of the petitioners were in temporary vacancies. In other words, the posts themselves are temporary in nature. Further, the said appointments

were purely subject to various other conditions.

6. From the above, it could be seen that the orders of appointments are purely contractual in nature between the petitioners and the management.

7. In fact, the school was established to impart education to the employees of the main organization. In such a case, so many contingencies may crop up after establishment of the school. Further, keeping in view the contingencies that may crop up, obviously, so many conditions were incorporated in the appointment orders of the petitioners.

8. It is to be further seen that just before completion of two years service, the petitioners were terminated after paying one month's salary in lieu of notice. I do not find any palpable irregularity or violation of any principles of natural justice, as contended by he learned counsel for the petitioners.

9. However, from the record, it could be seen that initially this Court granted interim suspension of the impugned proceedings in W.P.M.P.No.15461 of 1994, dated 12-07-1994, by which perhaps the petitioners are being continued in services. No information is forthcoming as to whether the first respondent-management is in a position to continue the petitioners in service or not.

10. However, having regard to the fact that the petitioners are in services all these years by virtue of interim suspension granted by this Court, the petitioners are at liberty to make a representation to the first respondent to continue their services and upon such representation being made, the first respondent shall consider the

same and pass appropriate orders, particularly keeping in view the long length of service rendered by the petitioners, of course subject to other contingencies.

11. With the above observations, the writ petition is disposed of. However, there shall be no order as to costs.

02ND JULY 2004 D.S.R.VARMA, J

KRK

To:

1.The Secretary, Management Committee of Defence Laboratories Schools, Kanchanbagh, Hyderabad.
2.The Secretary, Ministry of Defence, 'B' Wing, Sena Bhavan, New Delhi.
3.The Director General, Defence Research & Development Organisation (DRDO), 'B' Wing, Sena Bhavan, New Delhi.
4.The Director, Defence Research & Development Laboratories (DRDO), Chandrayanagutta, Hyderabad.
5.The Director, Defence Electronics Research Laboratories (DLRL) Chandrayanagutta, Hyderabad.
6.The Director, Defence Metallurigical Research Laboratories (DMRL) Kanchanbagh, Hyderabad.
7.The Chairman, DLS Management Committee, Kanchanbagh, Hyderabad.
8.The Secretary, Defence Lab Schools Educational Society, Kanchanbagh, Hyderabad.

9.Two CCs to Sri A.Rajasekhar Reddy, Senior Standing Counsel for Central Government, High Court Buildings (OUT).

10.Two CD copies.

11.One spare.